

**REMARKS**

In accordance with the foregoing, the claims have been amended to improve clarity and to correct the informalities noted in item 1, page 2 of the outstanding Office Action. There are no new matters presented in the foregoing amendments. Approval and entry of same is respectfully requested.

Claims 1-3, 5-10 and 12-15 stand rejected under 35 USC §102(b) as being anticipated by Shimamura et al. In light of the following remarks the rejection is respectfully traversed.

Each of the independent claims has been amended to note that the data carrier attached to a container for a drink or dish is in fact a “rewritable” data carrier. Thus, looking at claim 1, the writing means is “for writing data in a rewritable data carrier.” Thus, while the reading means is for “reading data in a noncontact state from said rewritable data carrier.”

Conversely, Shimamura et al. uses a resonance tag consisting of a coil and a capacitor. Such tag does not represent a rewritable data carrier. Accordingly, the claims are not anticipated by Shimamura et al.

Claim 4 stands rejected under 35 USC §103 as being unpatentable over Shimamura et al. in view of Ehrat. In light of the following remarks, the rejection is respectfully traversed.

Claim 4 depends from claim 2 which sets forth that the writing means is “for writing the data in a re-writable data carrier....” Neither Shimamura et al. (as discussed above) nor Ehrat discloses the use of such a rewritable data carrier. Ehrat relates to a system for using a

charging device attached to a goods basket. A customer is required to slide articles one by one over a reading means in order to input data into the cart. However, the data is read from a barcode and the like. None of the possible data storage means disclosed therein are, or suggest, re-writeable mediums.

Accordingly, applicants respectfully request that the Examiner withdraw his rejection claim under 35 USC §103.

Claim 11 stands rejected under 35 USC §103(a) as being unpatentable over Sheply. In light of the following remarks, the rejection is respectfully traversed.

Claim 11 has also been amended to note that the reading means is “for reading data in a non-contact state from a re-writable data carrier attached to a container....” Sheply’s system also utilizes barcodes which are not rewritable. Further, there is nothing in Sheply which would indicate the use of a rewritable data carrier as set forth in the present invention.

Accordingly, applicants respectfully request that the Examiner withdraw his rejection to claim 11 under 35 USC §103(a).

In accordance with the foregoing it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art, taken in any proper combination. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

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If the Examiner has any remaining informalities to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such informalities.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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